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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 813
INSURANCE TRUST FUND, TRUSTEES
OF THE LOCAL 813 PENSION TRUST
FUND, and TRUSTEES OF THE LOCAL
813 & LOCAL 1034 SEVERANCE &
RETIREMENT FUND,

Plaintiffs,

-against-

FREEDOM DEMOLITION INC.,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On May 3, 2013, Plaintiffs initiated this action against Defendant Freedom Demolition Inc. (“Defendant” or “Freedom”), alleging claims for unpaid contributions and withdrawal liability payments under the Employee Retirement Income Security Act of 1974, as amended, and Section 301 of the Labor-Management Relations Act of 1947. (Compl. (Dkt. 1).) Defendant did not answer or otherwise respond to the Complaint. On March 17, 2014, Plaintiffs filed a Motion for Entry of a Default Judgment against Defendant. (Pls.’ Mot. for Default J. (Dkt. 8).) The court referred this motion to Chief Magistrate Judge Steven M. Gold for a Report and Recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) to address both liability and damages. (See Mar. 19, 2014, Order (Dkt. 9).)

On August 26, 2014, Judge Gold issued an R&R recommending that the court grant Plaintiffs’ motion for default judgment and direct the entry of judgment against Defendant in the following amounts: (1) \$3,841.20 in unpaid contributions, plus interest at the rate of 18% per annum from December 15, 2008, to the date final judgment is entered; (2) \$167,407.00 in

withdrawal liability, plus interest at the rate of 6.25% per annum from September 30, 2012, to the date final judgment is entered; (3) liquidated damages with regard to the unpaid contributions equal to the interest accrued on the unpaid contributions; (4) liquidated damages with respect to withdrawal liability of \$33,481.40; and (5) \$6,973.75 in attorneys' fees and costs. (R&R at 12-13.) Plaintiffs served a copy of the R&R upon the Defendant at its last known business address and upon Defendant's principal, Giacomo Valenti, at his last known residential address by UPS Next Day Air on September 22, 2014. (Cert. of Service (Dkt. 13).)

No party has objected to Judge Gold's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS the R&R in its entirety and accordingly GRANTS Plaintiffs' motion for default judgment. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

The Clerk of the Court is DIRECTED to enter judgment against Defendant in the amounts provided in Judge Gold's R&R and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
October 10, 2014

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge